

Status: Point in time view as at 28/02/2022.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 53

RESOURCE EFFICIENCY REQUIREMENTS

PART 1

REQUIREMENTS

General power

- 1 (1) The relevant national authority may by regulations make provision for the purposes of requiring specified products, in specified circumstances, to meet specified resource efficiency requirements.
- (2) The regulations may not make such provision in relation to a product which is—
 - (a) an energy-related product, within the meaning of the Ecodesign for Energy-Related Products Regulations 2010 (S.I. 2010/2617);
 - (b) a medicinal product, within the meaning of the Human Medicines Regulations 2012 (S.I. 2012/1916);
 - (c) a veterinary medicinal product, within the meaning of the Veterinary Medicines Regulations 2013 (S.I. 2013/2033);
 - (d) food, within the meaning of article 2 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
- (3) Sub-paragraph (2) does not prevent the regulations making provision in relation to a product which is not within that sub-paragraph, but is packaging for a product which is within that sub-paragraph.

Commencement Information

- I1** Sch. 7 para. 1 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
- I2** Sch. 7 para. 1 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Meaning of “resource efficiency requirements”

- 2 (1) “Resource efficiency requirements”, in relation to a product, means requirements which—
 - (a) are within sub-paragraph (2) or (3), and
 - (b) are relevant to the product’s impact on the natural environment.
- (2) The requirements within this sub-paragraph are requirements relating to—
 - (a) aspects of the product’s design which affect its expected life;

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- (b) the availability or cost of component parts, tools, or anything else required to repair or maintain the product;
 - (c) whether the product can be upgraded, and the availability or cost of upgrades;
 - (d) any other matter relevant to repairing, maintaining, remanufacturing or otherwise prolonging the expected life of, the product;
 - (e) the ways in which the product can be disposed of at the end of its life (including whether and to what extent it can be recycled, and whether materials used in it can be extracted and reused or recycled).
- (3) The requirements within this sub-paragraph are requirements relating to—
- (a) the materials from which the product is manufactured;
 - (b) the techniques used in its manufacture;
 - (c) the resources consumed during its production or use;
 - (d) the pollutants (including greenhouse gases within the meaning of section 92 of the Climate Change Act 2008) released or emitted at any stage of the product’s production, use or disposal.
- (4) Resource efficiency requirements may be specified by reference to standards prepared by a specified person.

Commencement Information

- I3** Sch. 7 para. 2 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I4 Sch. 7 para. 2 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Persons on whom requirements may be imposed

- 3 The regulations may impose resource efficiency requirements on a person only if the person is connected with the manufacture, import, distribution, sale or supply of the product.

Commencement Information

- I5** Sch. 7 para. 3 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I6 Sch. 7 para. 3 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Examples of provision that may be made

- 4 (1) The regulations may include provision—
- (a) prohibiting a product being distributed, sold or supplied unless it meets resource efficiency requirements;
 - (b) requiring persons connected with the manufacture, import, distribution, sale or supply of a product to provide information to other such persons.
- (2) The regulations may include provision—
- (a) about how and by whom a product’s compliance with resource efficiency requirements is to be determined;
 - (b) for appeals against such determinations;

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- (c) about how a product’s compliance with resource efficiency requirements is to be evidenced (for example, by affixing a label or applying a marking to a product).

Commencement Information

- I7** Sch. 7 para. 4 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I8 Sch. 7 para. 4 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Consultation etc requirements

- 5 (1) Before making regulations under this Part of this Schedule the relevant national authority must—
- (a) consult such persons as the authority considers appropriate, and
 - (b) where sub-paragraph (3) or (4) applies, publish for the purposes of the consultation—
 - (i) the authority’s assessment of the matters it must be satisfied of, and
 - (ii) a draft of the regulations.
- (2) The requirements in sub-paragraph (1) may be met by consultation carried out, and assessments and draft regulations published, before this paragraph comes into force.
- (3) Before making regulations under this Part of this Schedule in relation to a new product, the relevant national authority must be satisfied that—
- (a) the product has a significant impact on the natural environment at any stage of its production, use or disposal,
 - (b) the proposed regulations would be likely to reduce the product’s impact on the natural environment,
 - (c) the benefit of that would be significant as against the likely environmental, social, economic or other costs of the proposed regulations, and
 - (d) a reduction in the product’s impact on the natural environment could not be achieved as effectively without making the regulations.
- (4) Before making regulations under this Part of this Schedule which—
- (a) specify additional resource efficiency requirements in relation to a product, or
 - (b) specify additional persons who must meet resource efficiency requirements in relation to a product,
- the relevant national authority must be satisfied of the matters in sub-paragraph (3) (b) to (d).
- (5) A “new product” means a product in relation to which there are no existing regulations made by the relevant national authority under this Part of this Schedule.
- (6) Before making regulations under this Part of this Schedule the relevant national authority must consider whether exemptions should be given, or other special provision made, for smaller businesses.

Commencement Information

- I9** Sch. 7 para. 5 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

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I10 Sch. 7 para. 5 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Interpretation

- 6 In this Part of this Schedule—
- “natural environment” has the same meaning as in Part 1 of this Act (see section 44);
 - “product” includes a product which is a component part of, or packaging for, another product;
 - “specified” means specified in, or determined in accordance with, the regulations.

Commencement Information

- I11** Sch. 7 para. 6 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I12 Sch. 7 para. 6 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

PART 2

ENFORCEMENT

General power

- 7 The relevant national authority may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by regulations (“Part 1 regulations”) made by the authority under Part 1 of this Schedule.

Commencement Information

- I13** Sch. 7 para. 7 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I14 Sch. 7 para. 7 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Powers to confer functions

- 8 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Part).
- (2) Part 2 regulations may include provision—
- (a) conferring functions involving the exercise of discretion;
 - (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.
- (3) Part 2 regulations may include provision requiring an enforcement authority to issue guidance about the exercise of its functions.

Commencement Information

- I15** Sch. 7 para. 8 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

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I16 Sch. 7 para. 8 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Monitoring compliance

- 9 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with requirements imposed by Part 1 regulations (which may include the function of testing or assessing products).

Commencement Information

- I17** Sch. 7 para. 9 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I18 Sch. 7 para. 9 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Records and information

- 10 Part 2 regulations may include provision—
- (a) requiring persons on whom requirements are imposed by Part 1 regulations to keep records;
 - (b) requiring persons on whom requirements are imposed by Part 1 regulations to provide records or other information to an enforcement authority;
 - (c) requiring an enforcement authority to make reports or provide information to the relevant national authority.

Commencement Information

- I19** Sch. 7 para. 10 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I20 Sch. 7 para. 10 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Powers of entry etc

- 11 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.
- (2) Part 2 regulations may include provision—
- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
 - (b) about applications for, and the execution of, warrants.
- (3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—
- (a) enter premises by force;
 - (b) enter a private dwelling without the consent of the occupier;
 - (c) search and seize material.

Commencement Information

- I21** Sch. 7 para. 11 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I22 Sch. 7 para. 11 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

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Sanctions

- 12 (1) Part 2 regulations may include provision—
- (a) for, about or connected with the imposition of civil sanctions in respect of—
 - (i) failures to comply with Part 1 regulations or Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) for appeals against such sanctions.
- (2) Part 2 regulations may include provision—
- (a) creating criminal offences punishable with a fine in respect of—
 - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) about such offences.
- (3) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (4) Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence,
 - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
 - (c) the relevant national authority may make provision for the imposition of sanctions under that Part.

Commencement Information

I23 Sch. 7 para. 12 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

I24 Sch. 7 para. 12 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Costs

- 13 Part 2 regulations may include provision—
- (a) requiring persons on whom requirements are imposed by Part 1 regulations to pay costs incurred by an enforcement authority in performing its functions;
 - (b) authorising a court or tribunal dealing with any matter under Part 1 regulations or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions under the regulations in relation to that matter.

Commencement Information

I25 Sch. 7 para. 13 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

I26 Sch. 7 para. 13 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

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Consultation requirement

- 14 (1) Before making Part 2 regulations the relevant national authority must consult any persons the authority considers appropriate.
- (2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

Commencement Information

I27 Sch. 7 para. 14 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

I28 Sch. 7 para. 14 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

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